



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 25, 1998

Ms. Regina Atwell
City Attorney
The City of Cleburne
302 West Henderson
Cleburne, Texas 76033-0657

OR98-2870

Dear Ms. Atwell:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119904.

The City of Cleburne (the "city") received a request for information relating to a specific assault. You state that you will release front page information. *See* Gov't Code 552.108(c). However, you claim that the remaining information is excepted from disclosure under section 552.108(a)(2) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

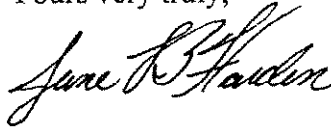
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You state that no charges were filed and that the file

was closed by prosecutorial discretion. We conclude that you have shown the applicability of section 552.108(a)(2) to the requested information. Thus, the information may be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 119904

Enclosures: Submitted documents

cc: Mr. Brian Loncar
Loncar & Associates
714 Jackson Street #150
Dallas, Texas 75202
(w/o enclosures)